

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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UNITED STATES OF AMERICA,

- against -

ADAM BANFILL,

Defendant.

21 CR 468 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

Defendant Adam Banfill ("Defendant") was sentenced by this Court to time served and three years of supervised release on April 7, 2023 upon his conviction for threatening interstate communication. On June 22, 2023, the United States Probation Department for the Southern District of New York (the "Probation Department") emailed the Court a report on Defendant's alleged violation of supervised release and requested that the Court issue an arrest warrant. According to the report, Defendant was being supervised by the Probation Department in the Western District of Michigan, his district of residence.

On June 22, 2023, the Court issued an arrest warrant, and Defendant was subsequently arrested. On June 29, 2023, defense counsel filed a letter, requesting a telephonic conference to address the justification for the arrest warrant and to discuss appropriate next steps. (See Dkt. No.

52.) According to the letter, Defendant was arrested and being held in custody at Newaygo County Jail in White Cloud, Michigan, and was likely to be transported to MDC Brooklyn to appear for his violation hearing. Defense counsel further argued that in light of Defendant's mental health issues, holding him in custody and transporting him to the Southern District of New York was not appropriate or warranted.

On July 7, 2023, the Court held a telephonic conference to address the concerns raised in defense counsel's letter. Defense counsel waived Defendant's appearance, to which the Government expressed no objection. The Government, defense counsel, and the Probation Department shared their respective positions on the issues raised by defense counsel. After considering the parties' positions, it is hereby

ORDERED that the arrest warrant of defendant Adam Banfill ("Defendant") issued on June 22, 2023 is **VACATED**; and it is further

ORDERED that the Western District of Michigan Probation Department's request to withdraw supervision of Defendant is **DENIED**; and it is further

ORDERED that the United States Marshals Service release Defendant and, in the event that Defendant has already been removed from the Newaygo County Jail, arrange for his travel

back to his district of residence in the Western District of Michigan; and it is further

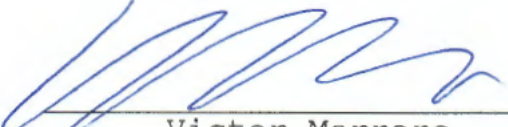
ORDERED that Defendant's previous conditions of supervised released be reinstated with the modification that Defendant be supervised by the Western District of Michigan; and it is further

ORDERED that a conference to review the status of this matter be scheduled for July 28, 2023 at 11:00 a.m.; and it is further

ORDERED that the Southern District of New York Probation Department work with the Probation Department of the Western District of Michigan to identify mental health facilities in the Western of District of Michigan that may be available to place Defendant for appropriate treatment.

SO ORDERED.

Dated: 7 July 2023
New York, New York



Victor Marrero
U.S.D.J.